

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA)

v.)

ALEXIS RAMON HERRERA-FLORES)

CR. NO. 3:07cr80-WHA

ORDER

A psychological report has been filed with the court in this case pursuant to the provisions of 18 U.S.C. §§4247 (b) and (c). The report, prepared by forensic psychologist Jorge Luis, Psy.D., indicates that defendant currently suffers from a mental disease or defect which renders him unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. Doc. # 20. Dr. Luis concluded, however, that “[i]t is foreseeable that the defendant will be able to attain competency to stand trial in the future.” Id. at 6.

Under 18 U.S.C. §4247, defendant is entitled to a hearing on the subject of his competency to stand trial. At such a hearing, he would be afforded an opportunity to testify, to present evidence, to subpoena witnesses on his behalf, and to confront and cross-examine witnesses who appear at the hearing. 18 U.S.C. §4247. In this case, no hearing has been requested, and the parties agree that the evaluation provided by the examiner should be adopted by the court, and that the defendant should be committed for further treatment and evaluation pursuant to 18 U.S.C. §4241(d). See Unopposed Motion for Treatment (Doc. # 24).

Accordingly, pursuant to 18 USC § 4241(d), the court finds by a preponderance of the evidence, without the need for further hearing, that the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. It is hereby

ORDERED that the defendant is COMMITTED to the custody of the Attorney General to be hospitalized for treatment in a suitable facility for such reasonable period of time, not to exceed four months, as is necessary to assist him in attaining the capacity to permit the trial to proceed, upon this court's finding that there is a substantial probability that within such additional period of time he will attain the capacity to permit the trial to proceed.

DONE, this ~~26th~~ day of October, 2007.

/s/  _____

SENIOR UNITED STATES DISTRICT JUDGE